

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 20 and 27-28. Applicant respectfully submits no new matter has been added. Accordingly, claims 20-33 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 102(b)**

Claims 20-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (US 6,161,008). The Applicant respectfully traverses the rejections.

The Applicant respectfully submits that the Lee reference does not identically disclose all the elements recited in claim 20, as amended:

20. A method of delivering a message to a user using at least one telecommunications network, wherein said user has access to a plurality of telecommunications services, which telecommunications services are provided to said user via said at least one network and are accessed by said user using one or more user access devices, said method comprising the steps of:

receiving a service-related event related to said message at a server;

determining whether said user subscribes to a messaging service at said server; and

selecting a target access device from said user access devices based on results of a use-analysis of any of said telecommunications services and said user access devices at said server whenever said user subscribes to said messaging service, said selecting of a target access device being further based on an analysis of operational capabilities of said user access device in dependence of said message content, wherein said message is delivered at said selected target access device by converting at least a part of said message content to a format which is dependent on said selected target access device.

The Applicant's invention does not require the calling user or the called user to have a service-based user application on his/her user device (or gateway associated with his/her user device). In contrast, the personal mobility system disclosed in the Lee reference requires the use of a personal mobility user application resident on the user's

device (or a gateway associated with the user's device) and a personal mobility server application (e.g., col. 2, lines 27-44; col. 6, line 55-col. 7, line 30; col. 12, lines 54-65; Figures 2, 5 and 6). As a result, the Lee reference does not identically disclose each and every element recited in claim 20, as amended, and is, therefore, allowable under 35 U.S.C. § 102(b).

In addition, the Applicant's invention does not require that the calling user subscribe to the service. Only the called user has to subscribe to the service. As a result, the Applicant's invention is more efficient and beneficial to the subscriber. In contrast, the calling user in the Lee reference must be a subscriber to the service and have the personal mobility user application resident on his/her device or a gateway associated with his/her device (col. 21, lines 4-17). As a result, the Lee reference does not identically disclose each and every element recited in claim 20, as amended, and is, therefore, allowable under 35 U.S.C. § 102(b).

Moreover, the Applicant's invention reduces network messaging and processing associated with the service because the server performs the processing and the message formatting instead of the calling user's device. In contrast, the personal mobility user application in the Lee reference is resident on the calling user's device (or gateway associated with the user's device) and determines how to contact the called user by either checking a local cache or querying the personal mobility server application (col. 7, lines 20-28; col. 15, lines 39-49). Depending on the response from the personal mobility server application, the personal mobility user application places the call (col. 15, lines 50-65; col. 21, lines 18-22, 25-47) or requests the assistance of the personal mobility server application to place the call (col. 16, lines 43-65; col. 21, lines 22-24). In addition, any formatting changes to the messages are made by the calling user's personal mobility user application (col. 21, lines 25-42). As a result, the Lee reference does not identically disclose each and every element recited in claim 20, as amended, and is, therefore, allowable under 35 U.S.C. § 102(b).

The Applicant's invention also reduces network messaging and processing associated with the service because the server performs the processing after the message has been sent instead of before the message is sent. In contrast, all of the

processing in the Lee reference is performed before the calling user sends the message (see citations in previous paragraph). As a result, the Lee reference does not identically disclose each and every element recited in claim 20, as amended, and is, therefore, allowable under 35 U.S.C. § 102(b).

Whereas claim 27 recites limitations analogous to those of claim 20, it is also not anticipated by Lee. Furthermore, whereas claims 23-26 and 28-33 are dependant from claims 20 and 27, respectively, and include the limitations thereof, those claims are also patentable.

### **3.) Claim Rejections – 35 U.S.C. § 103 (a)**

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee as applied to claim 20 above, and further in view of Applicant's admitted Prior Art. Claim 22 depends from amended claim 20 and recites further limitations in combination with the novel elements of claim 20. Therefore, the allowance of claim 22 is respectfully requested.

The Applicant also respectfully submits that claims 20-33 are not obvious over the Lee reference either alone or in combination with the cited references. As previously described, the Lee reference, among other things, requires the use of a personal mobility user application resident on the user's device (or a gateway associated with the user's device) and a personal mobility server application. One skilled in the art would not be motivated to modify the Lee reference to operate in accordance with the Applicant's claimed invention because the user application is the key component of the personal mobility system in the Lee reference. This reliance on the processing performed by the user device and the requirement that the calling user be a subscriber to the service teaches against the Applicant's claimed invention. As a result, claims 20-33, as amended, are allowable under 35 U.S.C. § 103.

**4.) Prior Art Not Relied Upon**

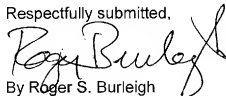
In paragraph 7 on page 5 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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